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October 2, 1995

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Mr. William F. Caton, Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

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OCT 3 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Re: Petition for Rulemaking
Cut and Shoot, Texas

Dear Mr. Caton:

Resubmitted herewith is the Petition for Rulemaking of Ben Walker Broadcasting, Inc. seeking the initiation of a rulemaking proceeding to amend the FM table of assignments to add Channel 235A to Cut and Shoot, Texas.

On September 22, 1995 the Commission returned the petition as unacceptable for consideration based upon an alleged short-spacing of Channel 235A to the licensed site of Station KLDE(FM), Channel 233C, Houston, Texas and to an outstanding construction permit for Station KYKR(FM), Channel 236C1, Beaumont, Texas.

No short-spacing exists to Station KLDE(FM), Channel 233C, Houston, Texas. At the coordinates specified in the petition (30° 26' 25" latitude, 95° 23' 20" longitude) the proposal clears the KLDE license site by 1.502 kilometers.

Similarly, the proposal is not short-spaced to the outstanding construction permit for Station KYKR(FM), Channel 236C1, Beaumont, Texas. Again, as noted in the FM Spacing Study accompanying the petition the proposal at the specified coordinates clears the KYKR construction permit site by 8.948 kilometers. As noted in the petition, the proposal is short-spaced to the existing facilities of Station KYKR. However, consistent with Commission practice, the allocation would be subject to the completion of the facilities authorized by Station KYKR, Beaumont, Texas under Construction Permit BPH-950117ID.

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Mr. William F. Caton, Acting Secretary
Page Two
October 2, 1995

In light of the above, it is requested that the Commission reconsider its dismissal of the petition for rulemaking and promptly issue a Notice of Proposed Rulemaking to add Channel 235A to Cut and Shoot, Texas.

Very truly yours,

A handwritten signature in black ink, appearing to read "Dennis F. Begley". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

DENNIS F. BEGLEY
Counsel for
BEN WALKER BROADCASTING, INC.

DFB/jmr

Enclosure

BEFORE THE
Federal Communications Commission

WASHINGTON, D. C. 20554

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1995-17 1995

**FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY**

In the Matter of)
)
Amendment of Section 73.202(b)) File No. RM-_____
Table of Assignments)
FM Broadcast Stations)
(Cut and Shoot, Texas))

To: The Commission

PETITION FOR RULEMAKING

Ben Walker Broadcasting, Inc. ("Walker"), the prospective applicant for a new FM broadcast station at Cut and Shoot, Texas, hereby requests the Commission to institute a rulemaking proceeding for the amendment of Section 73.202(b) of the Rules to make the following changes:

<u>City & State</u>	<u>Present</u>	<u>Proposed</u>
Cut and Shoot, Texas	---	235A

The attached FM Spacing Study (Attachment A) establishes that Channel 235A can be assigned to Cut and Shoot under the Commission's rules. The assignment would present no siting problems and at the reference point listed all required separations are fully met.¹ Additionally, a station operating at this reference point will provide city-grade coverage to all of Cut and Shoot.

¹ The allocation would be subject to completion of the facilities authorized for Station KYKR, Beaumont, Texas under Construction Permit BPH-9501171D.

2.

The proposed assignment would provide Cut and Shoot its first broadcast transmission service.

Walker will expeditiously apply for operation on Channel 235A, if allocated to Cut and Shoot, and if granted, will promptly build the proposed FM broadcast station.

BEN WALKER BROADCASTING, INC.

By 
DENNIS F. BEGLEY

His Counsel

Reddy, Begley & McCormick
1001 22nd Street, N.W., Suite 350
Washington, D.C. 20037-1803

September 7, 1995

ATTACHMENT A

FM SPACING STUDY

BEN W. WALKER
BROADCAST TECHNICAL CONSULTANT

Page 1
August 30, 1995

FM Spacing study

Title: CUT AND SHOOT, TX
Channel 235A (94.9 MHz)
Database: DW 07/20/95

Latitude: 30-26-25
Longitude: 95-23-20
Safety zone: 65 km

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of License		St FCC File no.	Freq	EAH-m	Longitude	-from	(km)	(km)
KHRN	LIC	MARSHALL MEDIA GROUP, IN	232A	3	30-51-07	292.4	121.9	31
HEARNE		TX BLH-850530KA	94.3	91	96-34-04	111.8	90.87	CLEAR

Deletion proposed; ORDERED TO 276A

KLDE	LIC	ENTERTAINMENT COMM INC (233C	100	29-34-34	186.9	96.50	95
HOUSTON		TX	94.5	585BT	95-30-36	6.9	1.502	CLOSE

CALL GRANT OF KJQI SET ASIDE; Was KJYY 04/29/88

KVLL-FM LIC	TRINITY VALLEY BROADCAST	234C2	50	31-00-32	55.9	113.5	106
WOODVILLE	TX BLH-930812KF	94.7	150	94-24-14	236.4	7.466	CLOSE

Call Granted 10/04/91 per FCC release #168 dated 10/04/91; Ant: Phelps Dodge C FM-HP-12

KSBH	LIC	JAMES G BETHARD	235C3	25	31-51-34	52.1	260.1	142
COUSHATTA		LA BLH-921215KB	94.9	100	93-13-00	233.2	118.1	CLEAR

Call Granted 10/31/89; Ant: Continental GSCPM-6E

KSNH	LIC	ARMADILLO BROADCASTING,	235C	100	32-35-22	328.3	281.6	226
ARLINGTON		TX BLH-910506KB	94.9	460BT	96-58-10	147.5	55.64	CLEAR

Was KODZ 10/30/92 per FCC release #193 dated 10/23/92; Ant: Elec. Res. Inc. 10 53-6CP

KHEN	ORD	ROY E. HENDERSON	236C2		30-49-00	293.3	107.0	106
COLLEGE STATION		TX	95.1		96-25-00	112.8	1.008	CLOSE

DOC-91-58; RM-7797; ORDERED FROM A OF CALDWELL, TX; Call Granted 09/29/89

KHEN	CP	ROY E HENDERSON	236A	6	30-33-31	276.9	115.2	72
CALDWELL		TX BMPH-890616IB	95.1	100	96-34-50	96.3	43.15	CLEAR

Deletion proposed; CP cancelled 01/21/94; CP cancelled 01/21/94; BMPH-950126JY
EXT GRD 3/24/95(22122-4/4/95); ORDERED TO C2 COLLEGE STATION, TX; Call Grante
d 09/29/89

KYKR	LIC	GULFSTAR COMM BEAUMONT L	236C1	100	30-08-57	104.7	125.1	133
BEAUMONT		TX BLH-830829AK	95.1	128	94-07-59	285.3	-7.95	SHORT

Was KZZB-FM 06/08/92 per FCC release #185 dated 06/19/92; Affiliated with KLVI (AM)

KYKR	CP	GULFSTAR COMM BEAUMONT,	236C1	100	30-03-39	107.0	141.9	133
BEAUMONT		TX BPH-950117ID	95.1	141	93-58-49	287.7	8.948	CLOSE

CP Granted 02/08/95 per FCC release #22090 dated 02/16/95; CP Granted 02/08/95
per FCC release #22090 dated 02/16/95; Was KZZB-FM 06/08/92 per FCC release #
185 dated 06/10/92; Affiliated with KLVI(AM)

KFRO-FM CP	CURTIS BCG STATIONS, INC	237C3	5.85DA	32-37-50	10.7	247.3	42
GILMER	TX BPH-940606IC	95.3	203	94-53-44	191.0	205.3	CLEAR

CP Granted 12/14/94 per FCC release #22048 dated 12/20/94; CP Granted 12/14/94
per FCC release #22048 dated 12/20/94; ORDERED FROM 2 7A; BMPH-950619JA EXT(2
3541-7/3/95); Was KLSQ 03/01/93 per FCC release #199 dated 02/26/93; Affiliate
d with KFRO(AM)

BEN W. WALKER
BROADCAST TECHNICAL CONSULTANT

Page 2
August 30, 1995

FM Spacing study

Title: CUT AND SHOOT, TX
Channel 235A (94.9 MHz)

Latitude: 30-26-25
Longitude: 95-23-20

Call	Auth	Licensee name	Chan	ERP-kW	Latitude	Br-to	Dist.	Req.
City of	License	St	FCC File no.	Freq	EAH-m	Longitude	-from	(km) (km)
KAFX-FM LIC	EAGLE OF TEXAS, INC.		238C1	100	31-24-28	28.8	122.7	75
DIBOLL	TX BLH-860312KB		95.5	174	94-45-53	209.1	47.74	CLEAR
Was KIPR-FM 03/03/86; Affiliated with KAFX(AM)								
KLTX	SONANCE KILLEEN LIC SUBS		288C3	1.70	31-05-38	289.7	222.0	12
HARKER HEIGHTS	TX BPH-950619IB		105.5	116	97-34-51	108.6	210.0	CLEAR
KHCB	LIC HOUSTON CHRISTIAN BCRS,		289C	100	29-34-06	186.3	97.24	29
HOUSTON	TX BMLH-911024KB		105.7	492	95-29-57	6.2	68.24	CLEAR

>> End of channel 235A study <<